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09/742,302	30-Mar-01	JONG WOON PARK, ET AL]	66476-024

Title: EX-VESSEL CORE MELT RETENTION DEVICE  
PREVENTING MOLTEN CORE CONCRETE  
INTERACTION

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Art Unit	Paper Number
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LICENSING & REVIEW

Please find attached a communication from the Examiner regarding the  
Petition for Retroactive License under 37 CFR 5.25.



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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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In re: Park et al : DECISION ON REQUEST  
Serial No.: 09/742,302 : UNDER 37 CFR 5.25  
Filing date: December 22, 2000  
Docket No: 066476-0024

**Title: EX-VESSEL CORE MELT RETENTION DEVICE PREVENTING MOLTEN  
CORE CONCRETE INTERACTION**

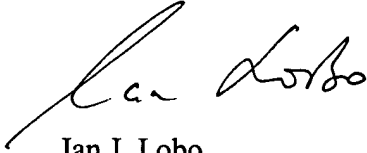
This is a decision on the petition filed on November 14, 2002 for retroactive foreign filing license.

37 CFR 5.25(a) requires the following:

1. A listing of each of the foreign countries in which the unlicensed patent application material was filed,
2. The dates on which the material was filed in each country,
3. A verified statement (oath or declaration) containing:
  - i. An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
  - ii. A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
  - iii. An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
4. The required fee (§ 1.17(h)).

The petition is denied since the requirements of 37 CFR 5.25 (3)(ii) have still not been met. Specifically, from a reading of the prior and instant petition documents, it is apparent that the proscribed filing was discovered at or around July 2000. However, it was not until September 2002 that a petition for a retroactive foreign filing license was filed. The more than two year time lag is not indicative of diligence without a factual showing (i.e., supporting documents such as letters of transmittal or instructions for filing) of what was done to rectify the proscribed filing.

Accordingly, the provisions of 37 CFR 5.25 not having been fully met, the petition is denied, and in the absence of any response within **60 days** of the mailing date of this letter, such denial will be made final and the final action under 35 U.S.C. 185 will be taken. Extensions of time may be had under 37 C.F.R. 1.136(a).

A handwritten signature in black ink, appearing to read "Ian Lobo", written in a cursive style.

Ian J. Lobo  
Patent Examiner  
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